

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

CVENT, INC.,

Plaintiff,

v.

OVH US LLC
11480 Commerce Park Drive
Suite 500
Reston, Virginia 20191
legal@corp.ovh.us

NAME SILO
1300 E. Missouri Avenue
Suite A-110
Phoenix, Arizona 85014

Royalty INC
Uzimilla Jawanih
DHA P II Karachi,
sindh 76550 PK
uzigujjar@yahoo.com

CVENTCOIN.COM
uzigujjar@yahoo.com

Verisign, Inc.
12061 Bluemont Way
Reston, VA 20190
info@verisign-grs.com

OVH Group
2 Reu Kellermann
59100 Roubaix
France

Defendants.

Case No. 1:18-cv-406
Hon. Liam O'Grady

VERIFIED FIRST AMENDED COMPLAINT

Plaintiff Cvent, Inc. (“Cvent”) states the following for its First Amended Complaint against Internet Service Provider OVH US LLC (“ISP” or “OVH US”), Domain Name Registrar Name Silo (“DNR” or “Name Silo”), Registrant Royalty Inc. (“Registrant” or “Royalty”), Internet Domain Name CVENTCOIN.COM (“CVENTCOIN.COM”), Registry Verisign, Inc. (“Registry” or “Verisign”), and Internet Service Provider OVH Groupe (“OVH Group”) (collectively “Defendants”):

INTRODUCTION

This action arises from Defendants’ unlawful scheme to misappropriate Cvent’s renowned brand name in order to deceive the public and in particular investors in the U.S. and around the world. In an unlawful attempt to capitalize on Cvent’s reputation for success, Defendants have constructed a ploy to use Cvent’s trademarked name “CVENT” and its various related trademarks in an effort to mislead the public and investors so as to raise crypto-assets (so-called “Cventcoins”) from investors.

Cvent owns numerous trademarks registered with the United States Patent and Trademark Office (the “USPTO”) for the term “CVENT” and marks containing “CVENT”. In addition, Cvent owns common law rights to these marks through their extensive and continuous use in Virginia and other states in the United States. Cvent has spent many years, and substantial resources, building public confidence and consumer goodwill in these marks.

Defendants are engaging in a willful and concerted campaign to cause the public to believe falsely that Cvent is the source of Defendants’ products and services, or that such products and services are endorsed by, or otherwise sponsored by, or associated or affiliated with

Cvent. Defendants prominently feature the CVENT trademark owned by Cvent, in whole and without alteration, in countless instances in materials they make publically available on the Internet, including in offering materials that solicit investment from investors in the United States and elsewhere.

Unless the CVENTCOIN.COM Internet Domain Name is transferred to Cvent and Defendants are preliminarily and permanently enjoined from continuing their intentionally misleading use of Cvent's trademarks, they will continue to capitalize unfairly on the goodwill in Cvent's marks, deceiving the public so as to solicit fraudulent funds and impair the value of Cvent's marks.

NATURE OF ACTION

1. This is an action at law and equity for trademark infringement, false designation of origin, false advertising, cyber piracy and related wrongs. Cvent's claims against Defendants arise under the Trademark Act of 1946, 15 U.S.C. §1051 et seq. (the "Lanham Act") and the common law of Virginia.

THE PARTIES

2. Cvent is a corporation organized under the laws of the State of Delaware with a principal place of business at 1765 Greensboro Station Place, 7th Floor, Tysons Corner, Virginia 22102.

3. Cvent is informed and believes and therefore alleges that Defendant OVH US LLC is an Internet Service Provider who has a place of business at 1480 Commerce Park Drive, Suite 500 Reston, Virginia 20191.

4. Cvent is informed and believes and therefore alleges that Defendant Name Silo is a Domain Name Registrar who has a place of business at 300 E. Missouri Avenue, Suite A-110 Phoenix, Arizona 85014.

5. CVENTCOIN.COM is an Internet Domain Name that was illegally pirated to sell fictitious crypto currencies.

6 Cvent is informed and believes and therefore alleges that the registrant for the Internet Domain Name CVENTCOIN.COM is identified in the domain name record as Royalty INC Uzimilla Jawanih, DHA P II Karachi, sindh 76550 PK uzigujjar@yahoo.com Phone: +92.3125522141. However, Cvent is further informed and believes based on its own investigation and the investigation of the Treadstone Group and therefore alleges that the zip code is not valid and that the physical address is missing. In addition, no person or entity has been located with the names associated with registrant and on further information and belief the email name also is fictitious. In all likelihood the registrant is falsely identified.

7. The Registry for the CVENTCOIN.COM domain name is Verisign, Inc., (*see* attached WHOIS Lookup attached as Exhibit 1). Verisign maintains the registry for CVENTCOIN.COM and its worldwide headquarters is located within this judicial district at 12061 Bluemont Way Reston, VA 20190.

8. OVH Groupe and is an Internet Service Provider located at 2 Rue Kellermann 59100 Roubaix, France.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over the federal claims for trademark infringement, false designation of origin, false advertising, cyber piracy and related wrongs under 28 U.S.C. §§ 1331, 1338(a).

10. This Court has personal jurisdiction over the Defendants because Defendants are specifically targeting their product and services to, and soliciting investment from, consumers in Virginia. Moreover, the Defendants have conducted significant business in Virginia, and their actions have knowingly caused harm in Virginia.

11. This Court has In Rem jurisdiction over the CVENTCOIN.COM domain name pursuant to 15 U.S.C. § 1125(d)(2) at least because the domain name registry for CVENTCOIN.COM is located in this judicial district.

12. Venue is proper in this district in accordance with 28 U.S.C. § 1391(b) & (c).

FACTS

13. Cvent is a leading cloud-based enterprise event management company. Cvent offers software solutions to event planners for online event registration, venue selection, and event management, mobile apps for events, on-site event solutions, e-mail marketing and web surveys. Cvent provides hoteliers with an integrated technology platform, enabling properties to increase group business demand through targeted advertising and improve conversion through proprietary demand management and business intelligence solutions. Cvent's technology solutions optimize event management value chain and enable clients to manage meetings and events.

14. Since at least as early as May 2000, Cvent has used its inherently distinctive CVENT mark as a source identifier for its products and services. Cvent is the owner of several U.S. federal trademark registrations for its CVENT mark. For example, Cvent is the owner of U.S. federal Trademark Registration Numbers 2,784,562 (Exhibit 2) and 4,742,501 (Exhibit 3). In addition, Cvent is the owner of the mark CVENT.COM, which is the subject of U.S. federal trademark Registration Number 2,708,303 (Exhibit 4). The marks are hereinafter referred to collectively as the “CVENT MARKS”.

15. A yet to be identified John Doe going by, on information and belief, the false alias Royalty INC Uzimilla Jawanih DHA P II Karachi, sindh 76550 PK uziguajar@yahoo.com Phone: +92.3125522141 has been identified as the CVENTCOIN.COM registrant unlawfully using the CVENT MARKS and Cvent’s reputation as a market leader to cause the public to believe that Cvent is sponsoring or selling a new cryptocurrency. <https://cventcoin.com/> (Exhibit 5)

16. The <https://cventcoin.com/> domain is relatively new, created on 2018-02-02.

17. The domain is privacy-protected by PrivacyGuardian. The registrant information is not publicly available, but has been provided to Plaintiff pursuant to the Court’s Order. The subject website at cventcoin.com appears to be hosted out of Strasbourg, France with OVH. The website is running Apache, the Bootstrap web framework, and jquery, but no other CMS or plugins that Cvent can detect.

18. In response to this Court’s Temporary Restraining Order dated April 10, 2018 defendant Name Silo has disabled the <https://cventcoin.com/> Internet web site and provided the registrant information set out in this First Amended Complaint.

19. The site is clearly attempting to pass itself off as part of Cvent. For example, The Logo is the same logo used by Cvent. In addition, the “timeline” starts off with events from Cvent’s history. In addition, the site links to this YouTube video from Cvent’s channel. See <https://www.youtube.com/watch?v=fb9gBKld1VY>. Also, the bottom of the site says Copyright Cvent, Inc. and uses Cvent’s Headquarters’ address. (Exhibit 5)

20. The site plainly is wrongfully leveraging Cvent’s market name and history, without authorization, to sell cryptocurrency.

21. On information and belief, the site is engaging in fraud expecting people to buy coins and trading on Cvent’s good name and operational history. On information and belief, the Registrant has sold Cvent Coins pursuant to this fraudulent scam.

COUNT ONE

15 U.S.C. §1114 TRADEMARK INFRINGEMENT

22. Cvent repeats and realleges each and every allegation in paragraphs 1- 21 as though fully set forth herein.

23. Defendants’ use in commerce of the federally registered CVENT MARKS in connection with the sale and offering for sale of cryptocurrencies is likely to cause confusion, mistake or deception as to the source, origin, sponsorship or approval of Defendant’s products and services.

24. Defendants’ use of the federally registered CVENT MARKS as described in the Complaint constitutes trademark infringement within the meaning of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

25. Cvent and the public have been and are being damaged and have or will suffer economic harm as a result of Defendants' acts and are likely to continue to be damaged and to suffer economic harm unless Defendants' acts are enjoined by the Court.

COUNT TWO:

15 U.S.C. § 1125(a) – Unfair Competition and False Designation of Origin

26. Cvent hereby incorporates and re-alleges paragraphs 1 through 25, above.

27. Defendants' use of the CVENT MARKS, both individually and in combination, is likely to cause and, based on Cvent's information and belief has caused, confusion, mistake or deception as to the source, origin, sponsorship or approval of Cvent's products and services.

28. Defendants' use of the CVENT MARKS constitutes unfair competition and false designation of origin within the meaning of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

29. Defendants have acted as described in this Complaint with full knowledge of such unfair competition and false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

30. Defendants have acted as described in this Complaint with the intent to cause confusion, mistake and deception among the public as to source, origin, sponsorship or approval of Cvent's products and services.

31. Cvent and the public have been damaged and have suffered economic harm as a result of Defendants' acts, and are likely to continue to be damaged and to suffer economic harm unless Defendants' activities are enjoined by this Court.

COUNT THREE:
15 U.S.C. § 1125(d) – Cyberpiracy

32. Cvent hereby incorporates and re-alleges paragraphs 1 through 31, above.

33. Defendants registered and use the cventcoin.com domain name with bad faith intent to profit from Cvent's CVENT.COM mark, which was distinctive at the time of registration. The cventcoin.com Internet domain name is confusingly similar to Cvent's CVENT MARKS and the Defendants have no legitimate rights in the CVENT MARKS.

34. Defendants' acts as described in this Complaint are in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

35. Cvent and the public have been damaged and have suffered economic harm as a result of Defendants' acts, and are likely to continue to be damaged and to suffer economic harm unless Defendants' activities are enjoined by this Court.

36. The named registrant has been sent emails at the email address and notification to the postal address provided by the registrant to the registrar advising of this action with attached copies of the temporary restraining order and advised that Cvent is proceeding under the in rem provision of the cyberpiracy prevention provision of the Lanham Act.

COUNT FOUR:
Va. Code Ann. § 59.1-200 -- Misrepresentation

37. Cvent hereby incorporates and re-alleges paragraphs 1 through 36, above.

38. Defendants' acts as described in this Complaint constitute misrepresentation (a) of goods and services as those of another; (b) of the source, sponsorship, approval or certification of

goods and services; (c) of the affiliation, connection or association of goods and services; and (d) that goods or services are of a particular standard, quality and grade; all within the meaning of the Virginia Consumer Protection Act, Va. Code Ann. § 59.1-200.

39. Defendants have acted as described in this Complaint knowingly and with the intent to cause the harms described in the previous paragraph.

40. Cvent and the public have been damaged and have suffered economic harm as a result of Defendants' acts, and are likely to continue to be damaged and to suffer economic harm unless Flight 001's activities are enjoined by this Court.

COUNT FIVE:
Common Law Trademark Infringement

41. Cvent hereby incorporates and re-alleges paragraphs 1 through 40, above.

42. Defendants' acts as described in this Complaint constitute common law trademark infringement.

43. Defendants have acted as described in this Complaint with full knowledge of their common law trademark infringement.

44. Defendants have acted as described in this Complaint with the intent to engage in common law trademark infringement.

45. Cvent and the public have been damaged and have suffered economic harm as a result of Defendants' acts, and are likely to continue to be damaged and to suffer economic harm unless Defendants' activities are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Cvent prays that judgment be entered:

a) Temporarily, preliminarily and permanently enjoining Defendants and their officers, directors, agents, servants, employees and attorneys and any other persons in active concert or participation with any of them, and each of their successors and assigns, from continuing the acts complained of in this Complaint and, more particularly, that Defendants and such other persons be immediately enjoined and restrained during this action and permanently thereafter from:

1. Operating or displaying any website content at <https://cventcoin.com>;
2. using any of the CVENT MARKS or any colorable imitation of any of them, in connection with the advertising, promotion, or offering of any goods or services, the operation of an Internet website, or as a trade name, corporate name, company name, Internet domain name, or other identification of source or business entity;
3. making false designations of origin, or false or misleading representations or descriptions regarding affiliation, connection, sponsorship or association of or between Defendants and Cvent or any of its related or affiliated entities;
4. further infringing the CVENT marks;
5. further acts of unfair competition against Cvent.

b) declaring (i) that Defendants' use of the CVENT mark violates 15 U.S.C. § 1114, (ii) that Defendants' use of the CVENT mark violates 15 U.S.C. § 1125(a) and Va. Code Ann. § 59.1-200 and constitutes common law trademark infringement, (iii) Defendants' use of the CVENT mark violates 15 U.S.C. § 1125(c), (iv) that Defendants' registration and use of the www.cventcoin.com Internet domain name violates 15 U.S.C. § 1125(d), and (v) that the nature of Defendants' acts has been willful and wanton and that such acts present "exceptional circumstances" within the meaning of Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a);

c) Ordering Defendants to disclose the name of the registrant of the cventcoin.com domain name and all information known about this registrant;

d) ordering Defendants, pursuant to Section 36 of the Lanham Act, 15 U.S.C. § 1118, to deliver up for destruction all products, labels, signs, prints, packages, wrappers, receptacles and advertisements in its actual or constructive possession that bear any of the CVENT marks or any colorable imitation of any of them;

e) ordering Defendants to account for and pay over to Cvent all profits derived by Defendants by reason of its acts of trademark infringement, unfair competition, false designation of origin, cyberpiracy and misrepresentation in accordance with 15 U.S.C. § 1117(a) and the laws of Virginia, and Cvent asks that this profits award be trebled in accordance with 15 U.S.C. § 1117(a);

f) ordering Defendants to account for and pay over to Cvent all damages incurred by Cvent by reason of Defendants acts of trademark infringement, unfair competition, false designation of origin, cyberpiracy and misrepresentation in accordance

with 15 U.S.C. § 1117(a) and the laws of Virginia, and Cvent asks that this damages award be trebled in accordance with 15 U.S.C. § 1117(a);

g) ordering Defendants to provide an accounting of all sales made on or through the cventcoin.com website.

h) ordering Defendants to transfer the registration for the cventcoin.com domain name to Cvent;

1. ordering Defendants to file with the Court and serve on Cvent, within thirty days of entry of an injunction, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the injunction and order for which Pan Am prays, above;

2. granting Cvent its attorney's fees pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117;

3. granting Cvent the costs of the action; and

4. granting Cvent such further relief as this Court may deem just and equitable.

Dated: April 12, 2018

Alexandria, Virginia

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/
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Attorneys for Plaintiff
Cvent Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

CVENT, INC.,

Plaintiff,

v.

OVH US LLC
11480 Commerce Park Drive
Suite 500
Reston, Virginia 20191
legal@corp.ovh.us,

and

NAME SILO
1300 E. Missouri Avenue
Suite A-110
Phoenix, Arizona 85014,

and

JOHN DOE

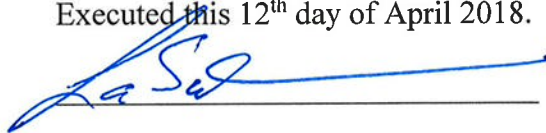
Defendants.

Case No. _____

VERIFICATION

I am Lawrence Samuelson, SVP, General Counsel, of Cvent, Inc. I am authorized to make this verification on its behalf. I have read the foregoing Verified First Amended Complaint and am informed and believe that the matters stated therein are true and correct to the best of my knowledge and belief. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of April 2018.



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